

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

: **MOTION TO PERMIT**
: **ATTACHMENT AND**
: **EXECUTION PURSUANT**
: **TO 28 U.S.C. §1610(c)**
:
: 03 MDL 1570 (GBD) (SN)

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This Document Relates to
Hoglan, et al. v. Iran, et al.
1:11-cv-07550 (GBD) (SN)

EXHIBIT G

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

1:03 MDL 1570 (GBD)(SN)

TERRORIST ATTACKS
ON SEPTEMBER 11, 2001

ORDER

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This document relates to:

Hoglan et al., v. Iran, et al., 1:11-CV-07550 (GBD)(SN).

SARAH NETBURN, United States Magistrate Judge:

REQUEST FOR INTERNATIONAL JUDICIAL
ASSISTANCE (LETTERS ROGATORY) FOR THE SERVICE
OF JUDICIAL DOCUMENTS IN A CIVIL MATTER BY THE UNITED
STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

The United States District Court for the Southern District of New York (the "Court") presents its compliments to the appropriate judicial authority of the Islamic Republic of Iran ("Iran") and requests international judicial assistance to obtain service of the partial final judgment documents. This Court respectfully requests that the Islamic Republic of Iran recognize Letters Rogatory from this Court, in the interest of comity.

I. REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE

A. Sender

The Honorable Sarah Netburn, United States Magistrate Judge for the Southern District of New York, by the authority of the Honorable George B. Daniels, United States District Judge for the Southern District of New York, United States of America, is the Sender.

B. Receiving Authority

The Receiving Authority is the appropriate judicial authority for the Islamic Republic of Iran in Tehran, Iran.

II. LETTERS ROGATORY REQUIREMENTS

A. Request for Assistance

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of Iran effect service of process of the following documents, including translations of each document into Farsi and affidavits of the translators:

- (1) Cover Letter to Mohammad Javad Zarif, Foreign Minister of the Islamic Republic of Iran;
- (2) U.S. Dist. Court for the Southern District of N.Y. Clerk's Certificate of Default, dated March 17, 2015 (Hoglan Docket No. 89);
- (3) Notice of Default Judgment prepared in accordance with 22 CFR § 93.2;
- (4) Order of Judgment Regarding Liability entered by Judge George B. Daniels on August 31, 2015 (MDL Docket No. 3027);
- (5) Findings of Fact and Conclusions of Law entered by Judge George B. Daniels on August 31, 2015 (Hoglan Docket No. 111);
- (6) Report and Recommendation #1 by Magistrate Judge Sarah Netburn, dated October 12, 2016 (Hoglan Docket No. 171);
- (7) Report and Recommendation #2 by Magistrate Judge Sarah Netburn, dated October 14, 2016 (Hoglan Docket No. 172);
- (8) Report and Recommendation #3 by Magistrate Judge Sarah Netburn, dated October 24, 2016 (MDL Docket No. 3374);
- (9) Partial Order and Judgment entered by Judge George B. Daniels on October 31, 2016 (Hoglan Docket No. 178);

- (10) Memorandum Decision and Order entered by Judge George B. Daniels on October 31, 2016 (MDL Docket No. 3383);
- (11) Memorandum Decision and Order entered by Judge George B. Daniels on October 31, 2016 (MDL Docket No. 3384);
- (12) Memorandum Decision and Order entered by Judge George B. Daniels on June 21, 2017 (MDL Docket No. 3633);
- (13) Report and Recommendation #4 by Magistrate Judge Sarah Netburn, dated August 8, 2017 (Hoglan Docket No. 219);
- (14) Memorandum Decision and Order entered by Judge George B. Daniels on November 17, 2017 (MDL Docket No. 3795);
- (15) Final Order and Judgment on Compensatory Damages entered by Judge George B. Daniels on February 26, 2018 (MDL Docket No. 3905);
- (16) Foreign Sovereign Immunities Act, 28 U.S.C. §1602, *et seq.*;
- (17) Right to Appeal Notice; and,
- (18) Right to Appeal Form.

The Court requests that the below named individuals and entities be served with the Order and Judgment and other documents relevant to this litigation, in both English and Farsi, including instructions on how to appeal the Order and Judgment:

- (1) Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran;
- (2) Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran;
- (3) National Iranian Tanker Corporation;
- (4) National Iranian Oil Corporation;
- (5) National Iranian Gas Corporation;
- (6) National Iranian Petrochemical Company;
- (7) Iran Airlines aka Iran Air; and,
- (8) Hezbollah.

B. Requesting Judicial Authority

The Honorable George B. Daniels
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

C. Receiving Judicial Authority

For service upon:

The appropriate judicial authority of Iran, and/or:

H.E. Ali Akbar Salehi, Ph.D.
Ministry of Foreign Affairs
Imam Khomeini Street
Tehran
Islamic Republic of Iran
Tel: 009821 61151
Fax: 009821 66743149

D. Names and Addresses of the Parties and Their Representatives

1. Plaintiffs

Plaintiffs in this lawsuit, Hoglan, et. al v. Iran, et al., are estates of those murdered as a result of the terrorist attacks of September 11, 2001, and family members of those killed. Plaintiffs brought this action pursuant to the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A.

2. Plaintiffs' Representatives

The victims of the terrorist attacks of September 11, 2011, and their families, are represented by counsel. For purposes of this Letters Rogatory, Plaintiffs have appointed the following attorneys to serve as their representatives:

Dennis G. Pantazis
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203
United States of America

Timothy B. Fleming (DC Bar No. 351114)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB PLLC
1211 Connecticut Avenue, NW, Suite 420
Washington, DC 20036
United States of America

Robert M. Foote, Esquire
Craig S. Mielke, Esquire
FOOTE, MIELKE, CHAVEZ
& O'NEIL, LLC
10 West State Street, Suite 200
Geneva, IL 60134
United States of America

Richard D. Hailey, Esquire
Mary Beth Ramey, Esquire
RAMEY & HAILEY
9333 North Meridian Street, Suite 105
Indianapolis, IN 46260
United States of America

3. Defendants

The Defendants in this action are the following persons and entities: Islamic Republic of Iran; Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran; Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran; Ministry of Information and Security; Islamic Revolutionary Guard Corps; Ministry of Petroleum; National Iranian Tanker Corporation; National Iranian Oil Corporation; National Iranian Gas Company; National Iranian Petrochemical Company; Iran Airlines; Ministry of Economic Affairs and

Finance; Ministry of Commerce; Ministry of Defense and Armed Forces Logistics; Central Bank of the Islamic Republic of Iran; and Hezbollah.

All of the Iranian entities have been adjudged to be political or military subdivisions of Iran, and/or agencies and instrumentalities of Iran, and are therefore equivalent to Iran for purposes of this action. Both Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran and Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran, have been adjudged as an “official, employee, or agent of [Iran] . . . acting with the scope of his or her office, employment, or agency” and therefore, Khamenei and Rafsanjani are legal equivalents to Defendant Iran for purposes of the FSIA which authorizes a cause of action against them to the same extent as it does a cause of action against the “foreign state that is or was a state sponsor of terrorism” itself. 28 U.S.C. §1605A(c).

Plaintiffs’ Second Amended Complaint was deemed filed on September 9, 2011 by U.S. Magistrate Judge Frank Maas on July 2, 2013. The Order of Judgment was entered by the Honorable George B. Daniels on August 31, 2015. Further, a Partial Order and Judgment entered by the Honorable George B. Daniels on October 31, 2016 and a Memorandum Decision and Order was also entered by the Honorable George B. Daniels on October 31, 2016. Judge Daniels formally adopted the Report and Recommendation of Magistrate Judge Netburn on November 20, 2017.

E. Nature and Purpose of the Proceedings

Hoglan, et al. v. Iran, et al., is a civil lawsuit commenced under the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A. The purpose is to hold responsible those foreign sovereigns, entities and persons responsible for planning, executing, and

provided material support and assistance to al-Qaeda in carrying out the terrorist attacks of September 11, 2001, upon the United States.

Plaintiffs must serve the final default judgment documents upon the eight (8) Iranian Defendants named in this Letters Rogatory.

F. Fees and Costs

Plaintiffs do not anticipate any fees and costs for service of the partial final judgment. Plaintiffs will reimburse the Islamic Republic of Iran for any reasonable copying costs and postage associated with service of the partial final judgment.

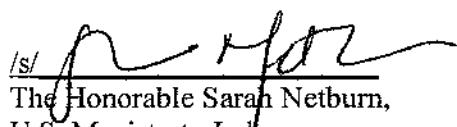
G. Reciprocity

This Court expresses its sincere willingness to provide similar assistance to the Islamic Republic of Iran, if future circumstances so require.

III. CONCLUSION

This Court, in the spirit of comity and reciprocity, hereby requests international judicial assistance in the form of this Letter Rogatory seeking service of the partial final judgment documents described herein, through the appropriate judicial authority of Iran.

Date: January 7, 2018


/s/ 
The Honorable Sarah Netburn,
U.S. Magistrate Judge
By the authority of:
The Honorable George B. Daniels
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan

United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

SEAL OF THE UNITED STATES
DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK: